

January 31, 2018

VIA ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Sands v. The Buffalo News, Inc., 1:17-cv-04265 (VEC)

Dear Judge Caproni:

We represent Plaintiff Steve Sands in the above-referenced action. Pursuant to Your Honor's January 26, 2018 Order [Docket #42], we are writing to inform the Court as follows:

We have transmitted to defense counsel, Jeremy Occek, and defendant's forensic expert, Bob Clary, metadata which we believe, based on our communications with the technical support department of the Webair server, constitutes the original "sending account" metadata associated with the e-mails in dispute (June 13, 2017 at 1:33 P.M.; July 12, 2017 at 1:31 A.M.; and September 14, 2017 at 3:08 A.M).

In addition, we have also transmitted metadata for e-mails that are not in dispute, namely those sent from Richard Liebowitz to Joseph Giglia of Buffalo News (June 13, 2017 at 11:40 a.m.) and to defense counsel Jeremy Ozcek (November 27, 2017 at 9:55 pm). This will afford Mr. Clary the opportunity to compare metadata for emails that are in dispute with those which are not.

We have also received assurances from Mr. Ozcek that Mr. Clary will directly contact Ricardo Busamante, the technical support specialist employed by the Webair server, so that Mr. Clary can provide the Court with a clear assessment of the technical protocol followed with respect to e-mails sent from Richard Liebowitz's e-mail account.

For sake of clarity, the following page lists the e-mails for which metadata is currently being analyzed.

Respectfully Submitted,

/s/Richard P. Liebowitz
Richard P. Liebowitz

KEY E-MAILS**RL** = Richard Liebowitz (RL@liebowitzlawfirm.com)**Giglia** = Joseph Giglia (JGiglia@buffnews.com)**Luedke** = Sandy Luedke (SLuedke@buffnews.com)**Oczek** = Jeremy Oczek (oczekjp@bsk.com)

Date	Event	Receipt in Dispute
6/13/17 [11:40 am]	RL emails Giglia (cc: Luedke) an opening settlement demand	NO
6/13/17 [1:33 pm]	RL emails Giglia (cc: Luedke) a counter-offer	YES
7/12/17 [1:31 am]	RL emails Giglia (cc: Luedke) stating “I am following up on settlement. Your answer is past due and you are currently in default.”	YES
9/14/17 [3:08 am]	RL emails Giglia (cc: Luedke) stating “The Court has entered a default against The Buffalo News. See attached.” (attaching PDF of Clerk’s entry of default, dated 9/8//17)	YES
11/27/17 [9:55 pm]	RL emails Oczek stating: “Below please find the e-mail correspondence with Mr. Giglia and also Ms. Luedke advising them that they are in default. As you can see in one e-mail I even forwarded to him the default that was stamped with the clerk.” (attaching e-mail from 9/14/17 at 3:08 am]	NO